SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN

Rabanco Recycle Company (Site #W9605173) and RDC 3rd and Lander South (site #W9605178-0) Seattle, Washington

February 27, 2008

Shaw Project No. 128215

Submitted to:

Rabanco, Ltd.

Submitted by:

Shaw Environmental & Infrastructure, Inc.
19909 120th Avenue, N.E., Suite 101
Bothell, Washington 98011

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RAB001399

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Review Page

In accordance with 40 CFR 112.5(b), a review and evaluation of this SPCC Plan is conducted at least once every five years. As a result of this review and evaluation, Rabanco Recycle Company and RDC 3rd and Lander South must amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a spill event from the facility, and (2) if such technology has been field proven at the time of review. Any amendment to the SPCC Plan shall be certified by a Professional Engineer within six months after a change in the facility design, construction, operation, or maintenance occurs which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines.

Review	Date	Update or Amendment Required (Y/N)	Name (Print)	Signature
1.	2/26/08	Y	Izrayl Slutsky	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

SPCC Team Members

Internal Call List

Name	Position	Office Phone	Cell Phone
Ray Westmoreland	Site Manager, RDC	206.332.7705	(b) (6)
Chris Driscoll	SPCC Coordinators; contact the first available, starting at the top of the list.	206.652.8863	
Ronald Moe		206.652.8871	(b) (6)
Phil Kirschenmann		206.652.8897	
Chuck Hollenbeck	Maintenance Manager	206.652.8881	(b) (6)
Scott Bissel	Operational Manager	206.652.8828	(b) (6)
Bill Borlaug	Regional Engineer, West	800.275.5641	(b) (6)

Site Certification

Name of Facility:	Rabanco Recycle Company (Site #W9605173) and RDC 3rd & Lander South (Site #W9605178-O)
Type of Facility:	Solid Waste Recycling and Waste Reduction Facility and Shop
Year of Initial Facility Operation	Approximately 1988
Location of Facility:	2733 – 3rd Avenue South Seattle, WA 98134
Name and Address of Owner:	Rabanco, Ltd. 200 – 112th Ave. N.E., Suite 300 Bellevue, WA 98004-5812 Telephone: (425) 646-2400
Designated Person Responsible for Spill Prevention (SPCC Coordinators):	See Table P-1
Oil Spill History:	This facility has not had a known major reportable oil spill event during the preceding three years.

Management Approval

This SPCC Plan has been reviewed and approved by management at a level with the authority to commit necessary resources for implementing the Plan. The programs and procedures outlined in the Plan will be implemented and periodically reviewed and updated in accordance with 40 CFR Part 112, as amended, and applicable state and local requirements.

Signature _____ Date _____

Name Pete Keller

Title General Manager

Engineer Certification

I hereby certify that

(i) That I am familiar with the requirements of this part;

(ii) That I or an agent on my behalf has visited and examined the facility;

(iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;

(iv) That procedures for required inspections and testing have been established; and

(v) That the Plan is adequate for the facility.

This plan has been prepared after the promulgation of 40 CFR Part 112 effective August 16, 2002, but before guidance has been issued by the US Environmental Protection Agency (EPA) on how to interpret these regulations with regard to tank and aboveground piping integrity testing. Once EPA has issued guidance, this plan should be updated to provide compliance with the final EPA guidance.

Signature, Registered Professional Engineer

Izrayl Slutsky P.E.

Printed Name, Registered Professional Engineer

Date 2/26/08 Registration No. 31804 State Washington

Emergency Contacts

(See Section 7.0 for details)

A. SPCC COORDINATORS:

Scott Bissel	206-652-8828; (b) (6)	(cell)
Chris Driscoll	206-652-8863	
Ronald Moe	206-652-8871; (b) (6)	(cell)
Phil Kirschenmann	206-652-8897	
Chuck Hollenbeck	206-652-8881; (b) (6)	(cell)
Bill Borlaug	800-275-5641; (b) (6)	(cell)

B. LOCAL FIRE DEPARTMENT:
911

C. NATIONAL RESPONSE CENTER (U.S. COAST GUARD):
(800) 424-8802

D. WASHINGTON DEPARTMENT OF ECOLOGY:
425-646-7000

E. ENVIRONMENTAL PROTECTION AGENCY REGION 10:
206-553-1200

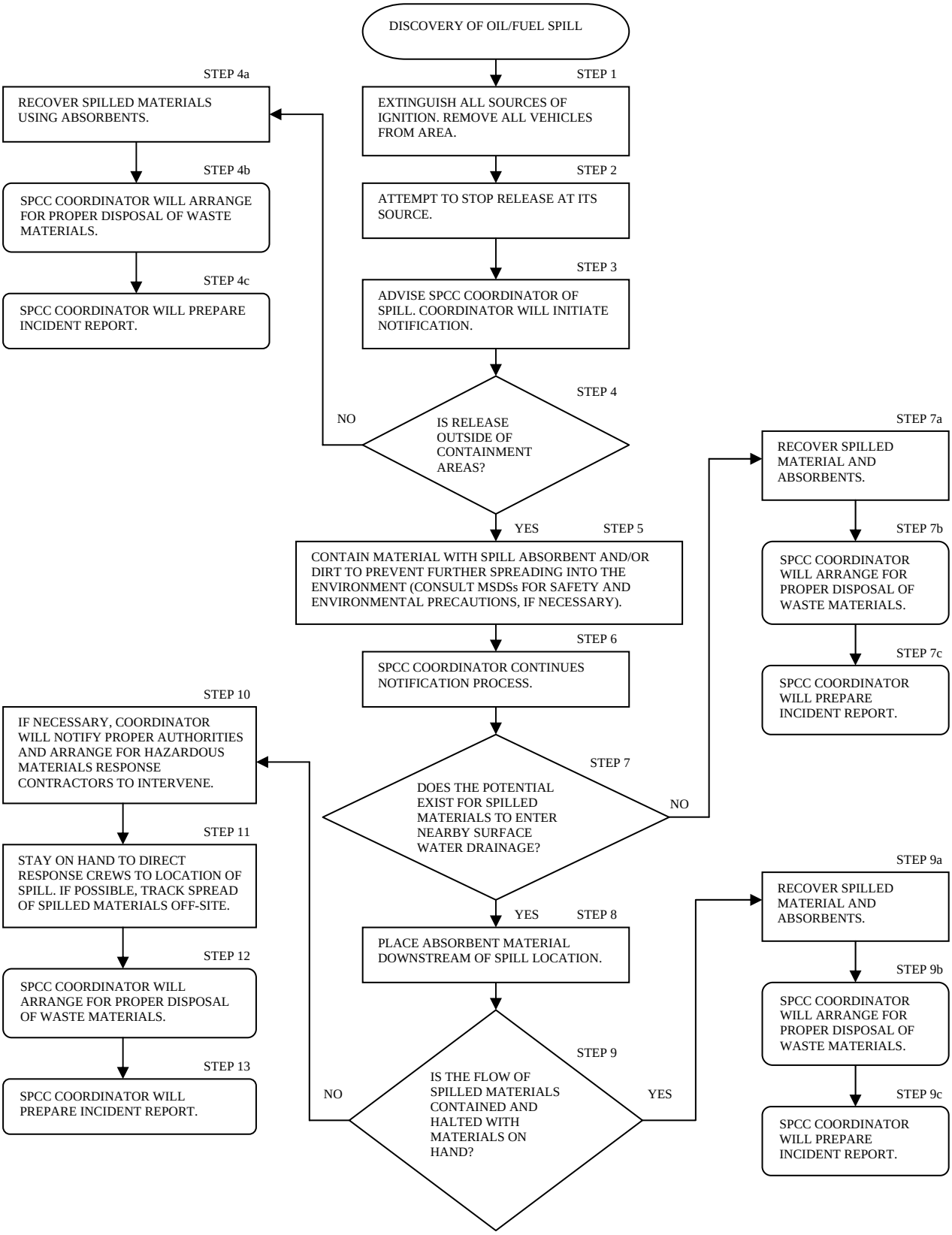
F. KING COUNTY OFFICE OF EMERGENCY MANAGEMENT:
206-296-3838

G. CITY OF SEATTLE EMERGENCY RESOURCE CENTER
206-684-3355

H. EMERGENCY CLEANUP ASSISTANCE:

Foss Environmental	800-337-7455; 206-767-0441
West-Pac Environmental (Non-hazardous and Hazardous)	206-762-1190

SPILL RESPONSE FLOWCHART



RAB001406

40 CFR Part 112 Reference Matrix

40 CFR Part 112 Section	Requirements of the Section	Coverage in the SPCC Plan
Section 1	General Applicability of 40 CFR Part 112	Applies to this site. SPCC Plan fulfills the requirements.
Section 1 part d.ii.2.ii	Applicability based upon volume of oil products in above ground storage tanks	Applies to this site – Total on-site above ground oil storage capacity is greater than 1,320 gallons.
Section 2	Definition of words for the section	Applies in general to this site.
Section 3	SPCC Plan requirements for plan preparation and implementation	Site requires an SPCC Plan. The plan has been certified by a registered professional engineer (Engineer Certification – page vi).
Section 4	SPCC Plan amendment by Regional Administrator	Not applicable – reportedly the facility has had no discharges of oil into navigable waters of the United States.
Section 5	SPCC Plan amendment by owner/operator due to facility changes, or every five years	This plan meets these requirements. The requirements for plan amendments are included in this plan as Section 2 Plan Review and Record of Amendments.
Section 6	Reserved	Not applicable – section does not contain any regulations.
Section 7	SPCC Plan required information	Applies in general to this site.
Section 7 part a	SPCC Plan compliance and included information	Applies in general to this site.
Section 7 part b	Where experience indicates a reasonable potential for equipment failure, the plan should include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure	General flow directions are included in Section 4.1 Surface Drainage and Drawing 1, Site Plan. The volume of oil products stored on-site is included in Section 3.3 Material Storage and Table 3-1. In the unlikely event of a catastrophic spill event (such as a vehicular collision rupturing both tank and secondary containment), it is expected that the entire contents of the tank could be released.
Section 7 part c	Appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course should be provided	Secondary containment information is given in Table 3-1.
Section 7 part d	Alternatives if preventive systems are not practical	Not applicable to this site – preventive systems in 112.7(c) are used on-site.
Section 7 part e	Inspections, tests, and records	Not applicable – preventive systems in 112.7(c) are used on-site.

40 CFR Part 112 Section	Requirements of the Section	Coverage in the SPCC Plan
Section 7 part f	Personnel, training and discharge prevention procedures	Section 5 contains the information concerning personnel training, record keeping and training procedures. Training records will be kept as in Section 5.3. Notifications for tank truck drivers are included in Appendix B. The designated individual(s) accountable for oil spill prevention are indicated in Table P-1.
Section 7 part g	Site security requirements	(1) Site access is currently restricted by fencing and building access. Site buildings are locked when the site is unoccupied. (2) Master flow and drain valves are secured with locks when not I use. (3) Each oil pump starter control is kept in the "off" position with access limited to authorized individuals. (4) Not applicable – no oil pipelines are located onsite. (5) Facility lighting is commensurate with the type and location of the facility.
Section 7 part h	Facility tank car and tank truck loading/unloading requirements	(1) Fuel and Oil deliveries are performed by a third party vendor who is responsible for all spills during fuel and oil unloading. The third party fueler is responsible for meeting the minimum requirements and regulations established by the Department of Transportation. Currently there is no containment system designed to hold at least the maximum capacity of any single compartment of a tank car or truck in the loading/unloading area. (2) The third party fueler is responsible for interlocked warning lights or physical barrier system, warning signs, wheel chocks, or vehicle brake interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines. (3) Deliveries are performed by a third party vendor who is responsible for ensuring that their vehicles do not leak while onsite or upon departure. A notice to tank truck drivers is provided in Appendix B to notify them of this responsibility.
Section 7 part i	Evaluation of modified container for risk of discharge	All field-constructed aboveground containers that undergo repairs, alterations, reconstructions, or changes in service shall be evaluated for risk of discharge or failure by brittle fracture or other catastrophe. Appropriate action will be taken as needed.
Section 7 part j	Include in plan discussion of plan conformance with the applicable requirements	This Reference Matrix discusses conformance with the requirements of 40 CFR Part 112. The plan also discusses conformance with the applicable requirements throughout the plan.
Section 8 part a	Meet requirement of Section 7	The site meets the requirements of Section 7 as above.
Section 8 part b	Facility drainage requirements for diked and un-diked areas	Facility drainage is discussed in section 4.1. Drawing 1 shows the site drainage and any diked areas.

40 CFR Part 112 Section	Requirements of the Section	Coverage in the SPCC Plan
Section 8 part c	Storage tank requirements	(1) All tank materials used for oil storage are compatible with the material stored and the conditions of storage. (2) Tanks are either double-walled or have adequate secondary or tertiary containment. (3) The dike is manufactured integral with the main tank. The dike has a sloped, closed top and will not accumulate precipitation. (4) Not applicable – there are no USTs at the site. (5) Not applicable – no partially buried tanks are present on site. (6) Aboveground tanks are regularly inspected as in Section 8. Tanks will be integrity tested on a five-year basis. [Awaiting further guidance from EPA. See note in Engineer Certification Page on page vi.] (7) Not applicable – no tanks contain internal or external heating coils. (8) The tanks, level sensing equipment, and secondary containment are designed to avoid discharges as practically feasible considering the size of the tanks and facility type. High liquid level alarms and visual are installed on tanks at which a significant risk of discharge is present due to the configuration of the tank and secondary containment, tank capacity, and filling procedures. (9) Not applicable – the site does not discharge plant effluents into navigable waters. (10) Tanks are regularly inspected as per Section 8. Visible oil leaking equipment will be promptly fixed. Inspection records are included in Appendix D. (11) Vehicle fuel tanks greater than 55 gallons in capacity are listed in Table 3-1. No permanently closed tanks are located on-site.
Section 8 part d	Facility piping and valve requirements	(1) Not applicable – no buried piping is present on site. (2) Pipes that are not in service are removed from the site. Pipes that will be out of service for extended periods of time will be capped or blank flanged. (3) Based upon the volume of product used and the level of risk, the pipes and pipe supports are designed to minimize abrasion and corrosion, and allow for expansion and contraction. (4) Piping inspection information is included in Sections 8-2 and 8-3. (5) Vehicle traffic will be advised of facility piping as in Section 5.

40 CFR Part 112 Section	Requirements of the Section	Coverage in the SPCC Plan
Section 9	Oil production facility requirements	Not applicable – site is not an oil production facility.
Section 10	Onshore oil drilling or workover facilities requirements	Not applicable – site is not an oil drilling or workover facility.
Section 11	Offshore oil drilling, production, or workover facilities requirements	Not applicable – site is not an oil drilling, production, or workover facility.
Section 12	Requirements for facilities storing animal fats and oils and greases, and fish and marine mammal oils, and for vegetable oils, including oils from seeds, nuts, fruits, and kernels	Not applicable – site does not contain any of the listed fats, oils, or greases.
Section 13	Onshore oil production facilities requirements	Not applicable – site is not an oil production facility.
Section 14	Onshore oil drilling and workover facilities requirements	Not applicable – site is not an oil drilling or workover facility.
Section 15	Offshore oil drilling, production, or workover facilities requirements	Not applicable – site is not an oil drilling, production, or workover facility.
Section 20	Substantial harm criteria and the need for a facility response plan	The Certification of the Applicability of the Substantial Harm Criteria form is located in Appendix F. Since this facility does not meet the substantial harm criteria listed in Attachment C-I of 40 CFR Part 112, this facility is not required to have a facility response plan.
Section 21	Facility response training and drills/exercises are required for sites required to have a facility response plan.	The Certification of the Applicability of the Substantial Harm Criteria form is located in Appendix F. Since this facility does not meet the substantial harm criteria listed in Attachment C-I of 40 CFR Part 112, this facility is not required to have a facility response plan or to perform facility response training.

1.0 Introduction

The intent of a Spill Prevention, Control, and Countermeasures (SPCC) Plan is to establish procedures and equipment required to prevent discharge of oil and hazardous substances in quantities that violate applicable water quality standards, cause a sheen upon or discoloration of the surface of navigable waters or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The Plan also establishes activities required to mitigate such discharges should they occur. Oil is defined in 40 Code of Federal Regulations (CFR), Part 112.2 as "*Oil* means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil."

This SPCC Plan has been prepared for Rabanco Recycle Company and RDC 3rd and Lander South Solid Waste Recycling and Waste Reduction Facility, Maintenance Shop, and Truck Yard pursuant to 40 CFR Part 112. A copy of the current 40 CFR Part 112 regulations is presented in Appendix A. A complete copy of the SPCC Plan shall be maintained at the DCL and be made available to the U.S. Environmental Protection Agency (EPA) Regional Administrator and his/her agents, upon request, for on-site review during normal working hours.

Facility employees with responsibility for implementing this plan must become familiar with its contents. The SPCC Coordinator must be responsible for implementation of emergency spill response activities. In addition, a second full-time employee must be trained to assume the SPCC Coordinator's responsibilities in the Coordinator's absence.

This plan must be amended whenever there is a change in facility design, construction, operation, or maintenance that affects the facility's potential for the discharge of oil to navigable waters. This plan must be revised and re-certified by a registered professional engineer whenever major revisions are made to the plan thereafter. Non-technical changes to the plan, such as updating employee names or phone numbers, does not require the plan to be re-certified.

2.0 Plan Review and Record of Amendments

As set forth in 40 CFR Part 112.5(a) and (b), this SPCC Plan must be reviewed and/or amended, if necessary, whenever:

- There is a change in the design of the facility, construction, operations, or maintenance which materially affects the facility's potential for the discharge of regulated material;
- The list of responsible persons or coordinators changes; and
- The list of emergency equipment changes.

The plan will be reviewed and re-certified at least once every five years and will be amended if such review indicates more effective control and prevention technology will significantly reduce the likelihood of a spill event from the facility. Records of such reviews will be recorded and placed in the current Plan.

3.0 Facility Information

3.1 Site Location

The Rabanco Recycle Company and RDC 3rd & Lander South solid waste recycling and waste reduction facility is located at 2733 3rd Avenue South, Seattle, WA 98134, in an industrial area south of the Seattle downtown area.

3.2 Site Description and History

The Rabanco Recycle Company and RDC 3rd & Lander South perform solid waste recycling and waste reduction, store fuel to support equipment and transportation requirements, and park trucks in the yard when the trucks are not in use.

The facility began operations as US Steel in approximately 1930s. It became Rabanco Recycle Company and RDC 3rd & Lander South in about 1988.

The facility is completely fenced with a 6-foot-high chain-link fence with three strands of barbed wire. The facility is manned 24 hours a day except Thanksgiving, Christmas and New Year's Day. The entrances are locked and there is a security guard when facility personnel are not present. The facility is automatically lighted after dark.

3.3 Materials Storage

Mechanical repair and maintenance of trucks and equipment takes place in the shop building south of the recycling building office. Oils and other petroleum-derived substances are stored in portable containers within secondary containment structures as shown in the Site Plan, Drawing 1. The following is a list of materials stored and used at the facility that are regulated under provisions of 40 CFR Part 112. This includes materials stored in tanks and drums:

- Number 2 diesel fuel, Class IIIA only, is used in facility trucks.
- Automatic transmission fluid is used in facility trucks.
- Lubricating fluids (motor oil, gear oil, transmission fluid, etc.) is used in facility trucks.
- Hydraulic fluids (brake fluid, etc.) is used in facility trucks.
- Antifreeze is used in the operation of facility trucks. Used antifreeze is also stored at the facility.
- Citrus cleaners are used for mechanical parts degreasing, equipment cleaning, etc.
- Used motor and hydraulic oils are stored on site prior to use as heating fuel or collection for disposal or recycling.

3.4 Spill Prevention

Appropriate procedures are followed when fueling vehicles and when using automatic transmission fluid, hydraulic fluids, tractor fluids, lubricants, coolants, cleaners and deodorants to prevent overfill of containers or spills at application points. In addition, the manufactured features of the aboveground 20,000-gallon diesel fuel tank and the various storage tanks for new and used engine oil (three viscosities), HTD tractor fluid, new and used antifreeze, and hydraulic fluid are incorporated to help ensure spill prevention.

20,000-gallon fuel storage and delivery, and 175- to 750-gallon storage tanks. The 20,000-gallon above-ground tank and dike are both manufactured as a single system. The entire system (tank and dike) is built in accordance with UL Specification 142, and both have an aboveground UL label. The system has been designed to minimize the risk of spillage.

3.4.1 Protection Provided by Design, Manufacture and Management Controls

The main fill pipe to the tank is protected from spills by:

- Locking gate valve on inlet
- Back flow check valve
- Perforated top of submerged fill tube that extends to within 6 inches of the bottom of the tank

Overfill is guarded against by:

- Having a solenoid valve on the fill pipe that is controlled by a float switch, set to actuate (i.e., close the solenoid valve) at 90 percent of the tank's capacity.
- Direct reading gauge board, visible to person filing tank.

A 300-gallon overfill chamber is provided at the east end of the primary tank. This overfill chamber will have a float switch that will activate an alarm to notify the delivery person of any overfill.

Venting capacity for tank, dike and overfill chamber is suitable for the fill and withdrawal rates of the pumping systems.

The dike is manufactured integral with the main tank. The dike has a sloped, closed top and will not accumulate precipitation. The dike can contain the tank's capacity. The interior of the dike is accessible to inspection through an 18-inch manway on the end of the dike. The 175-gallon to 750-gallon tanks for used oil, engine oil, tractor fluid, antifreeze and hydraulic fluid are double-wall 100 percent containment tanks.

For removing product from the dike, the drain plug or top opening can be used. Product in the overfill chamber and the secondary containment on the 175- to 750-gallon tanks can be removed by pumping.

Spill and drip in the immediate area of the dispenser, fill inlet and piping systems are controlled by having a 6-inch-high edge around the dispenser platform.

The tank top pumping system is protected by:

- Pump top is enclosed by a containment well.
- Discharge pipe is inside another pipe from the pump containment well down to 3 feet above the pump platform.
- The pumps have a flow restriction that will prevent the pump from reaching full flow capacity if the discharge pipe has a leak.
- The discharge pipe has a back pressure valve to prevent siphoning.
- The inlet to the dispenser has an emergency valve, normally open, that will close through actuation of both a shear section and fusible link. The shear section is activated by jarring of the dispenser in the event of vehicle impact or if a vehicle drove away with the filler nozzle still in the vehicle tank filler tube. The fusible link is activated by heat from a fire.
- Operation of the tank top pump is controlled by an on-off switch on the dispenser.
- Main power to the pumps is located in the circuit panel mounted on a post 30 feet northeast of the tank, and properly identified. An emergency on-off switch is mounted and identified in the panel on the fence 30 feet northeast of the dispenser. A second emergency on-off switch is located in the scale-booth. The pump will remain off when not in operation. The Pump can only be activated by entering a predetermined employee number and a vehicle number in the electronic pump controller.
- Any spillage of leakage from the tank will flow into the dike area. The dike is of sufficient volume to hold all the fuel in the tank. The 500-gallon used oil tanks are similarly constructed.
- Protective concrete barriers are placed around the tank and filling system on the exposed north and north-west sides to prevent possible damage from vehicular movement in the area. Signs will be posted or verbal warnings issued to vehicles entering the facility about the presence of the above-ground tank system.
- The area is well lit during all non-daylight hours. The facility gates are locked and a security guard is on-site when personnel are not present.
- Oil absorbent pads, clean/dry granular absorbent and empty covered containers for used absorbent will be kept on site at all times. Each truck also has a spill kit.

3.4.2 Administrative Responsibilities for Spill Prevention

To ensure the proper fuel order:

- Per current (1996) NFPA fire code, only Class IIIA diesel fuel may be stored in an above-ground 20,000-gallon storage tank. Class IIIA is Number 2 diesel fuel with a flash point between 140 and 200° F., sometimes known as "summer diesel."
- Remember the 10 percent overfill buffer required by fire code.
- Check fuel level prior to ordering.
- Immediately before filling, verify fuel level.
- Once the capacity is verified, ask the delivery person how many gallons are being delivered. Be sure intended delivery volume is less than the remaining tank capacity below the 10 percent buffer required by fire code (2,000 gallons in the 20,000-gallon tank).
- Verify with the delivery person prior to transferring fuel to the storage tank, that the fuel he has delivered is Class IIIA Number 2 diesel.
- Make sure oil absorbent pads, and rubber gloves used for cleaning oil off the water on the dispenser platform, and clean/dry granular absorbent are stocked.
- Periodically reconcile fuel pumped through the dispenser meter against daily inventory. If discrepancies are found, inspect within the dike for product.
- Advise supplier of fuel delivery procedure and Class IIIA fuel requirements. Make sure delivery personnel are familiar with them. Emphasize overfill protection methods and existence of an alarm to notify the tank filler of fuel entering the overfill tank.
- Ensure preventive maintenance is performed.
- Strictly enforce the "Supplier Filling Procedures" and "Driver Filling Procedures."
- Perform periodic training of personnel, and timely training of new and temporary personnel, with regards to the appropriate sections of the spill plan. Document the training attendance, date and topics covered. Retain the training records for at least five years.

3.4.3 Preventive Maintenance

- The SPCC Coordinator and other on-site managers must be responsive to any maintenance requirements on an as-needed basis.
- Visual inspections are to be done daily, monthly and annually (documented – save inspection report record for 3 years). See Section 8.3, Periodic Inspection, for the specific inspection details.

- The facility catch basins and oil-water separators (OWS) are vactor-cleaned and inspected at the end of each day.

3.5 Spill Containment

All containers are shown on the Plan, Drawing 1. An inventory of tanks and their contents and capacities is provided in Table 3-1. In accordance with requirements of 40 CFR Part 112.7(e)(2)(ii), regulated materials in storage tanks and bulk storage containers (drums) are situated within containment structures constructed and maintained to provide adequate volume to contain one hundred percent of the contents of the largest tank in the containment, plus sufficient freeboard for portable bulk storage containers (drums, totes, etc.), and precipitation.

The 20,000-gallon above-ground Class IIIA diesel fuel tank has a UL approved steel inner tank and 2/3 height steel vertical wall 100 percent containment dike with a sloped closed top to prevent rainfall accumulation. The 175-gallon to 750-gallon above-ground Class IIIB containers for new and used motor oil, tractor fluid, hydraulic oil, antifreeze, and transmission fluid are double-wall 100 percent containment tanks. The 20,000-gallon diesel fuel tank has an overfill alarm.

The waste oil is pumped from containers from within the maintenance shop. A mechanic must remain present during any pumping, and manually controls the pump. The remaining capacity of the tank up to the 90 percent capacity limit (10 percent buffer) is determined daily. Only small volumes up to 5 gallons are pumped at a time.

Ninety-weight gear oil, grease, automatic transmission fluid, and various motor oils are stored in 55-gallon drums within 100 percent secondary containment on portable pallets located in various places in the shop. The number of these varies with usage and replacement. Diesel fuel is stored in a 100-gallon portable container for fueling equipment in the yard.

Various citrus cleaners, anti-freeze, de-ice, and deodorants are stored in 55-gallon drums in a 30-foot container with a steel floor and 6-inch curb that provides containment greater than the largest four containers.

Hydraulic fluid is also stored in tanks integrated into various packers and balers as follows: Mosley baler, 1,400 gallons inside a dike; two Amfab high-capacity balers, 1,200 gallons each; HRB baler, 1,100 gallons; Logamann baler, 1,100 gallons; Bollegraaf baler, 400 gallons; demo packer, 175 gallons; and yard-waste packer, 150 gallons. All of the above except the Mosley baler are located within the solid waste recycling building, which provides containment.

3.5.1 Facility and Supplies

- Watertight covered container labeled 'Used Absorbent'

- A supply of oil absorbent pads and clean, dry granular absorbent
- A shovel
- A yard brush
- Rubber gloves
- Rubber mats to cover catch basins
- Sandbags or bulk dirt

3.5.2 Operating Procedures for Fueling Trucks and Equipment

- The fueler must remain present while filling the vehicle.
- The fueler must not overfill the tank.
- The fueler must not keep the nozzle open using a device or method other than as provided by the fueling station manufacturer.
- Any overfill must be cleaned up with oil-absorbent pads immediately.
- If a spill of less than 25 gallon occurs, the fueler must immediately place absorbent pads or granular absorbent on the spilled fuel, and immediately pick up the absorbed material by hand with rubber gloves or with a sweeping brush and shovel, and place it in the 'Used Absorbent' receptacle.
- The 'Clean Absorbent' and 'Used Absorbent' storage containers must be protected from rain at all times.
- Used absorbent must be disposed of in accordance with state and federal regulations.
- The shovel, yard brush, and drip pan/bucket must always be kept in the vicinity of the fueling activities.
- If a spill of 25 gallons or more occurs, take immediate steps to contain the spill, get help, and make sure the incident is reported to the SPCC Coordinator (see Sections 6.0 and 7.0).

Table 3-1

Material Storage Tanks/Areas

Tank/Area Number, Location	Size of Containers in Areas/Total Capacity	AST or UST	Type of Product Stored	Material of Construction	Preventive Equipment, Containment, or Controls
1. Diesel fuel storage	20,000 gallons	AST	Class IIIA diesel fuel	Steel	Integral steel dike
2. Tank integrated into Moseley baler	1,400 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
3. Tank integrated into Amfab	1,200 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
4. Tank integrated into HRB baler	1,100 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
5a. Logamann baler	1,100 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
5b. Bollegraaf baler	400 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
6. Tank integrated into demo packer	175 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
7. Tank integrated into yard waste packer	150 gallons	AST	Hydraulic oil	Steel	Inside solid waste recycling building
8. Tank under tent	500 gallons	AST	Waste oil	Steel	Double-wall
9. Tank under tent	250 gallons	AST	Multi-grade oil	Steel	Double-wall
10. Tank under tent	250 gallons	AST	Humble hydraulic oil	Steel	Double-wall
11. Tank under tent	250 gallons	AST	Humble hydraulic oil	Steel	Double-wall
12. Tank north of diesel storage tank	750 gallons	AST	Hydraulic oil	Steel	Double-wall
13. Tank north of diesel storage tank	750 gallons	AST	Hydraulic oil	Steel	Double-wall
14. Four drums under tent (not in use)	55 gallons	AST	Petroleum products	Steel	Secondary containment on pallets
15. Five drums in use	55 gallons	AST	Petroleum products	Steel	Wheeled secondary containment outer barrels

Table 3-2

Reasonable Potential for Tank Failure Modes

Tank #	Loading/Unloading Equipment Failure			Tank Overflow			Tank Rupture			Leakage		
	Flowrate (gpm)	Total Quantity	Direction	Flowrate (gpm)	Total Quantity	Direction	Flowrate (gpm)	Total Quantity	Direction	Flowrate (gpm)	Total Quantity	Direction
1	<6	20,000 gallons	South	<2	<20	South	<30	20,000 gallons	South	<0.3	<10 gal	South
2	<6	1,400 gallons	South	<2	<10	South	<30	1,400 gallons	South	<0.3	<10 gal	South
3	<6	1,200 gallons	South	<2	<10	South	<30	1,200 gallons	South	<0.3	<10 gal	South
4	<6	1,100 gallons	South	<2	<10	South	<30	1,100 gallons	South	<0.3	<10 gal	South
5a	<6	1,100 gallons	South	<2	<10	South	<30	1,100 gallons	South	<0.3	<10 gal	South
5b	<6	400 gallons	South	<2	<10	South	<30	400 gallons	South	<0.3	<10 gal	South
6	<6	175 gallons	South	<2	<10	South	<30	175 gallons	South	<0.3	<10 gal	South
7	<6	150 gallons	South	<2	<10	South	<30	150 gallons	South	<0.3	<10 gal	South
8	<6	500 gallons	South	<2	<10	South	<30	500 gallons	South	<0.3	<10 gal	South
9	<6	250 gallons	South	<2	<10	South	<30	250 gallons	South	<0.3	<10 gal	South
10	<6	250 gallons	South	<2	<10	South	<30	250 gallons	South	<0.3	<10 gal	South
11	<6	250 gallons	South	<2	<10	South	<30	250 gallons	South	<0.3	<10 gal	South
12	<6	750 Gallons	South	<2	<10	South	<30	750 Gallons	South	<0.3	<10 gal	South
13	<6	750 gallons	South	<2	<10	South	<30	750 gallons	South	<0.3	<10 gal	South
14	<6	55 gallons	South	<2	<10	South	<30	55 gallons	South	<0.3	<10 gal	South
15	<6	55 gallons	South	<2	<10	South	<30	55 gallons	South	<0.3	<10 gal	South

4.0 Facility Drainage and Stormwater Management

4.1 Surface Drainage

The entire facility is paved outside the buildings. All surface water flows into catch basins (see Drawing 1), through OWSs, and into the King County sanitary sewer system in South Hanford Street. All catch basins and OWS are vactor-cleaned at the end of each day. Stormwater from the roof of the existing waste collection and recycling building and a new metal canopy drains to the roof downspout system into underground piping directly connected to storm drain manhole No. 2 on 3rd Avenue South.

4.2 Stormwater Management

The truck-fueling station at the west end of the 20,000-gallon diesel tank has a catchment pan under the hoses, pump, piping, fittings, etc., and is covered. Incidental blown-in rainwater is checked and drained monthly. All oil and anti-freeze liquid containers are in containment structures to prevent a release into the stormwater drainage system. Stormwater runoff from the (solid waste collection truck) fueling station at the 20,000-gallon diesel tank is collected into catch basins near the tank. The catch basins drain to an OWS, which discharges the water to a combined sewer system as regulated per King County code – Title 28, Section 84.060.H, "Industrial Waste Rules and Regulations."

The facility's stormwater discharge is provided by asphalt paving, catch basins, OWS, and storm drains as described above and in King County Industrial Waste Rabanco Company Fact Sheet as part of Wastewater Discharge Permit No. 7595.04, issued November 17, 2005, expiration date November 6, 2010.

5.0 Personnel Training

5.1 Spill Prevention Training

5.1.1 Permanent Personnel

- Facility personnel will participate in annual training that teaches them to perform their duties in such a way as to prevent the discharge of harmful quantities of oil or hazardous substances. This training will include familiarization with material safety data sheets (MSDS) appropriate to the job assignment and emergency response procedures, and equipment.
- Facility personnel will be instructed annually on their responsibilities for compliance with the requirements of the spill laws and emergency response regulations applicable to the facility.
- New personnel will be advised of applicable spill prevention measures upon beginning work at the facility and fully trained within one month.

5.1.2 Temporary Personnel

Temporary personnel will be advised of applicable spill prevention measures upon entering the facility.

5.1.3 Tank Truck Drivers

Tank truck drivers loading or unloading materials at the facility must adhere to the following guidelines:

- Remain with the vehicle while loading/unloading.
- Drain the loading/unloading lines to the storage tank and close the drain valves before disconnecting lines and make sure a drain pan or other appropriate containment device is located under all connections.
- Inspect the vehicle before departure to be sure loading/unloading lines have been disconnected and drain and vent valves are closed.
- Immediately report any leakage or spillage, including quantity, to the SPCC Coordinator.

In addition, the tank truck driver loading the above-ground 20,000-gallon Class IIIA Number 2 diesel fuel storage tank is to:

- Verify that fuel being delivered is Class IIIA Number 2 diesel fuel with a flash point of 140 to 200° F, known as “summer diesel.”

- Verify fuel level gauge target and float move freely. Pull down the target 6 to 12 inches and release slowly. Check fuel level in the tank through the gauge board target.
- Determine the remaining capacity of the tank; deduct 2,000-gallon buffer volume (10 percent tank capacity per NFPA code) so as not to trigger the overfill solenoid.
- Verify the volume to be filled with on-site personnel, just prior to connecting to the fill pipe.
- Connect to the fill pipe. On-site personnel will unlock the filler pipe gate valve. Open the valve.
- Be present continuously during the fuel transfer and monitor the gauge target. Stop filling when the empty portion of the tank is reduced to the fire code minimum of 2,000 gallons.
- Close the filler-pipe gate valve. On-site personnel will immediately lock the valve closed.
- If the over-fill alarm is activated, STOP FILLING IMMEDIATELY. Notify SPCC coordinator.

The foregoing instructions are to be accomplished via the sample notice to tank truck drivers found in Appendix B.

5.1.4 Equipment Operators and Truck Drivers

The diesel fuel dispenser at the above-ground 20,000-gallon diesel storage tank is to be operated similar to a self-service gasoline station. The following must be observed:

- No smoking (a No Smoking sign is placed as a reminder).
- DO NOT leave fuel nozzle unattended (a sign is placed as a reminder).
- If a spill occurs, or a leak is observed or the diesel delivery rate is extremely slow: IMMEDIATELY STOP FUELING and notify the SPCC Coordinator.

5.2 Spill Response

Designated facility personnel will be trained annually in spill and emergency response procedures. This training will include reporting, stopping, containing, cleaning up, and disposing of spill materials, emergency communications, etc.

5.3 Record Keeping

Accurate records will be maintained of all personnel emergency response training. All personnel training will be recorded on the form located in Appendix C.

5.4 Appointed Trainers

All initial training will be conducted by, or under the supervision of the SPCC Coordinator or their designated representative. Supervisors may then conduct training for facility workers.

6.0 Emergency Procedures/Spill Response

6.1 General

This plan is designed to prevent and control spills of oil and petroleum products. Because of the nature of this business, most materials handled at the facility fall into that category. Hazardous chemical spills are not covered under this plan.

USEPA regulations define a spill event as the discharge of oil into, or upon, the navigable waters of the United States or adjoining shorelines, in harmful quantities. Harmful quantities are defined as a discharge that violates applicable water quality standards or causes a sheen upon, or discoloration of, the surface of the water or the adjoining shorelines. Contaminated groundwater may also have the potential to seep, leach, or flow into navigable water that would be included in this definition. Storm sewers and roadside ditches are considered within the definition of a "navigable waterway" since they usually discharge into a navigable waterway, and the Duwamish River is ½ mile west of this facility.

An important facet of an effective response procedure during an oil or substance release incident is to keep the material separated from water to minimize migration and the resulting potential increase in human and environmental exposure. Every effort should be made to prevent spills and emphasize substance containment at the source rather than resort to separation of the material from expanded portions of the environment or downstream waters.

6.2 Discovery of a Release

The person discovering a release of material from a container, tank, or operating equipment should initiate certain actions immediately:

1. Extinguish any sources of ignition. Until the material is identified as nonflammable and noncombustible, all potential sources of ignition in the area should be removed. Vehicles should be turned off. If the ignition source is stationary, attempt to move spilled material away from the ignition source. Avoid sparks and movement creating static electricity.

2. Attempt to stop the release at its source. Assure that no danger to human health exists first. Simple procedures (turning valves, plugging leaks, etc.) may be attempted by the discoverer if there is no health or safety hazard and there is a reasonable certainty of the origin of the leak. All efforts to control leaks must be under the supervision of the SPCC Coordinator or Assistance SPCC Coordinator. (This policy applies to the handling of petroleum-based products as described in this plan. No site personnel shall come into contact with unknown or hazardous substances illegally brought into the facility.)

3. Immediately put rubber mats over nearby catch basins. Protect drainage to storm drains that flow off-site to the south to South Hanford Street and east to 3rd Avenue South if the spill is large enough to travel that far. If necessary, install an earthen dam, row of sandbags, or other blockage at a location that will contain the spill volume.

4. Initiate spill notification and reporting procedures. Report the incident immediately to the Supervisor and the SPCC Coordinator. If there is an immediate threat to human life (e.g., a fire in progress or fumes overcoming workers), an alarm should be sounded immediately to evacuate the building, and the fire department should be called. Request the assistance of the fire department's hazardous materials response team if an uncontrollable spill has occurred and/or if the spill has migrated beyond the site boundaries (see Section 7.0).

6.3 Containment of a Release

All of the materials at the facility can be safely contained within secondary containment structures if a tank release occurs. However, if material is released outside the containment areas, it is critical that the material is accurately identified and appropriate control measures are taken in the safest possible manner. Consult the MSDS file in the office.

1. Attempt to stop the release at the source. If the source of the release has not been found, if special protective equipment is necessary to approach the release area, or if assistance is required to stop the release, the fire department should be called to halt the discharge at its source. Facility personnel should be available to guide the fire department's efforts.

2. Contain the material released into the environment. Following proper safety procedures, the spill should be contained by absorbent materials and dikes using shovels and brooms if possible. Consult applicable MSDSs for material compatibility, safety, and environmental precautions.

3. Immediately put rubber mats over nearby catch basins. Protect drainage to storm drains that flow off-site to the south to South Hanford Street and east to 3rd Avenue South if the spill is large enough to travel that far. If necessary, install an earthen dam, row of sandbags, or other blockage at a location that will contain the spill volume.

4. Continue the notification procedure. Inform the SPCC Coordinator of the release (the Coordinator shall perform immediate notification as appropriate). Obtain outside contractors to clean up the spill, if necessary.

6.4 Spill Cleanup

Appropriate personal protective equipment and clean-up procedures can be found on MSDSs. Care must be taken when cleaning up spills in order to minimize the generation of waste. The

District Safety Officer or his designee can provide assistance for the issues discussed below. The Regional Engineer must be made aware of all cleanups of spills over 25 gallons.

1. Recover or clean up the material spilled - As much material as possible should be recovered and reused where appropriate. Material that cannot be reused must be declared waste. Liquids absorbed by solid materials shall be shoveled or otherwise loaded into marked containers with water-tight lids, or into open top, 55-gallon drums; or if the size of the spill warrants, into a roll-off container(s). When used absorbent containers are filled after a cleanup, the lids shall be secured and the containers shall be appropriately labeled (or re-labeled) identifying the substance(s), the date of the spill/cleanup, and the facility name and location. Combining non-compatible materials can cause potentially dangerous chemical and/or physical reactions or may severely limit disposal options. Compatibility information can be found on MSDSs.

2. Cleanup of the spill area - Surfaces that are contaminated by the release shall be cleaned by the use of an appropriate substance or water. Cleanup water must be minimized, contained and properly disposed. Occasionally, porous materials (such as wood, soil, or oil-dry) may be contaminated; such materials will require special handling for disposal.

3. Decontaminate tools and equipment used in cleanup - Even if dedicated to cleanup efforts, tools and equipment that have been used must be decontaminated before replacing them in the spill control kit.

6.5 Post-cleanup Procedures

1. Notification and reports to outside agencies. - The SPCC Coordinator shall determine if a reportable spill has occurred (see Section 6.1). Verbal notifications to government agencies and emergency planning committees shall be executed, if necessary. In all cases where verbal notification is given, a confirming written report shall be sent to the same entity.

2. Arrange for proper disposal of any waste materials. - The waste material from the cleanup must be characterized per state and federal regulations. The Regional Engineer must approve the disposal. Representative sampling and analysis may be necessary to make this determination. In any case, the SPCC Coordinator shall assure that the waste is transported and disposed of in compliance with applicable laws and regulations. When manifests are needed, the SPCC Coordinator shall see that they are prepared and, when appropriate, returned in the allotted time by the disposal site.

3. Review the contingency and spill plans. - Management and operating personnel shall review spill response efforts, notification procedures, and cleanup equipment usage to evaluate their adequacy during the episode. Where deficiencies are found, the plan shall be revised and amended.

6.6 Internal Report

Spills that are regulated per this plan must be documented using the Incident Report Form (Appendix D). The SPCC Coordinator shall prepare the report. At a minimum, the report will document the following items:

- Date, time, and duration of release
- Source and total volume of the release
- Spill cleanup procedures
- Personnel who discovered and/or participated in the spill remediation
- Equipment used during the cleanup
- Waste disposal method
- Unusual events, injuries, or agency inspections

6.7 Communications

In case of a fire, spill, or other emergency, paging systems and two-way radios can be used to contact personnel.

6.8 Spill, Fire, and Safety Equipment

Portable fire extinguishers are located throughout the facility, are well marked, and are easily accessible. Records are kept on all fire equipment in service and regular testing is performed in accordance with established good procedures. A list of fire extinguishers, spill, and safety equipment is included in Appendix E.

6.9 Liaison with Local Authorities

Copies of this plan will be submitted to EPA, the local fire department, police department, and hospital as requested or needed by them. In addition, familiarization sessions will be held with personnel from these organizations, as they feel necessary. It is important that personnel responding to an emergency be familiar with chemicals used, the possibilities for releases of hazardous materials, and the location of the fire equipment such as hydrants, etc.

7.0 Immediate Reporting Procedures/Emergency Contacts

In the event of an accident or chemical spill at the facility, the manager with direct responsibility for the day-to-day operation of the facility must contact the individuals listed below as soon as practical after the incident has occurred. Notification of one regional representative of the facility is required. Contact preference is in the order listed. If a spill discharge to surface waters is imminent, regulatory emergency agencies should be notified immediately of this potential, as described below.

7.1 Internal Reporting

In the event of a spill of less than 25 gallons on dry land or in on-site water drainage that is contained and recovered, no outside contacts are required; however, the following internal contacts must be made, as indicated in table below.

Name	Position	Office Phone	Cell Phone
Ray Westmoreland	Site Manager, RDC	206.332.7705	(b) (6)
Chris Driscoll	SPCC Coordinators; contact the first available, starting at the top of the list.	206.652.8863	
Ronald Moe		206.652.8871	(b) (6)
Phil Kirschenmann		206.652.8897	
Chuck Hollenbeck	Maintenance Manager	206.652.8881	(b) (6)
Scott Bissel	Operational Manager	206.652.8828	(b) (6)
Bill Borlaug	Regional Engineer, West	800.275.5641	(b) (6)

7.2 Reporting to Outside Agencies

After the SPCC Coordinator (or designee) has been notified, he/she must complete reporting to outside agencies.

7.2.1 Releases/spills to Land, Air, Navigable or Other Waters

If a spill threatens to reach an off-site waterway, and the spill cannot be contained and recovered by facility personnel, then the following contacts must be made in addition to the contacts listed in Section 7.1.

A. SPCC COORDINATORS:

Scott Bissel	206-652-8828; (b) (6)	(cell)
Chris Driscoll	206-652-8863	
Ronald Moe	206-652-8871; (b) (6)	(cell)
Phil Kirschenmann	206-652-8897	
Chuck Hollenbeck	206-652-8881; (b) (6)	(cell)
Bill Borlaug	800-275-5641; (b) (6)	(cell)

B. LOCAL FIRE DEPARTMENT:
911

C. NATIONAL RESPONSE CENTER (U.S. COAST GUARD):
(800) 424-8802

D. WASHINGTON DEPARTMENT OF ECOLOGY:
425-646-7000

E. ENVIRONMENTAL PROTECTION AGENCY REGION 10:
206-553-1200

F. KING COUNTY OFFICE OF EMERGENCY MANAGEMENT:
206-296-3838

G. CITY OF SEATTLE EMERGENCY RESOURCE CENTER
206-684-3355

H. EMERGENCY CLEANUP ASSISTANCE:

Foss Environmental	800-337-7455; 206-767-0441
West-Pac Environmental (Non-hazardous and Hazardous)	206-762-1190

7.2.2 Reporting Procedures

The following information must be reported to outside agencies:

- Name, title, telephone number, and address of reporter
- Name, telephone number, and address of facility/spill
- Time, type and amount of materials involved in the spill
- Extent of injuries/illness, if known
- Possible hazards to human health and environment
- Any potential receiving body of water
- The cause of accident/spill
- The action taken or proposed by the facility/personnel

7.2.3 Other Emergency Contacts

Hospital / Ambulance – 911

7.2.4 Spill Cleanup

If the facility personnel cannot contain and re-cover a spill, and the fire department is not able or available to do so, then it is recommended that one of the Emergency Response Contractors listed above be contacted to provide assistance.

8.0 Facility Inspection

8.1 General

The owner and operator must inspect the facility for malfunctions, deterioration, operator errors, and discharge that may be causing, or may lead to, spills of oil and hazardous substances. The inspection must be conducted often enough to identify problems in time to correct them before a spill occurs. The SPCC Coordinator or his/her designee must perform inspections at the site.

8.2 Daily Observations

The following must be performed on aboveground storage tanks (ASTs), pumps, and connected aboveground piping on a daily basis:

- AST connections must be checked for leakage, drainage, tightness, and appropriate capping.
- Delivery hoses and piping must be checked for dripping, loose joints, damage to supports, and pipe deflection.
- Pumps must be checked for evidence of leakage, proper operation, and damage.
- Concrete surfaces and ground surfaces must be checked for evidence of spillage or leakage.
- After the facility has closed for the day, the security of the tanks must be checked (i.e., that appropriate tank valves and equipment have been locked and secured).

The inspections must be recorded daily. If a problem is detected during the daily inspection, the SPCC Coordinator should be notified and the appropriate action initiated. The daily inspections shall be recorded on the Daily Inspection Record provided in Appendix D. These sheets shall be kept on file at the facility for a period of three years.

8.3 Periodic Inspection

The OWS will be checked at least monthly for oil sheen and oil buildup. If any is present, the oil will be removed and the oil-water separator cleaned.

All ASTs (including totes and drums) containing oil or hazardous substances will be examined visually for condition and the need for maintenance on a scheduled periodic basis. Such examination will include aboveground foundation and tank structural supports. The outside of the tanks will be observed for signs of deterioration; leaks from seams, rivets, bolts, and gaskets; and accumulation of oil or hazardous substances inside containment structures. Aboveground tanks may need to be subjected to periodic integrity testing.

Aboveground Piping. All aboveground valves and piping will be examined on a scheduled periodic basis for general condition of items such as supports, flange joints, expansion joints, valve glands and bodies, and drip pans. Periodic pressure or other non-destructive integrity testing every five years is warranted for piping where facility drainage is such that a failure might lead to a spill event.

Containment Structures. Containment walls, dikes and berms will be inspected at frequent intervals for accumulation of oil or hazardous substances and the source determined. Periodic visual inspections will be performed to ensure the integrity of containment walls, dikes and earthen berms.

The 20,000-gallon above-ground storage tank is to be inspected monthly. The inspection is to cover the following:

- Check the gauge board to ensure that the target and tank float are free. Pull down on the target 6 to 12 inches. DO NOT release target suddenly, but rather maintain tension while you release the target until the float reaches the top of the fuel.
- Check dispenser hose, nozzle and swivel for wet spots or cracks.
- Remove any oil film from surface of water in the dispenser containment, then drain as required.
- Verify overfill chamber is empty. If not empty, contact West-Pac Environmental at 206-762-1190 to remove the contents.
- Check all piping and connections for leaks.
- Check visible exterior of tank and containment dike for cracks, rust and leaks.
- Check interior of containment dike for diesel and water. If any found, determine which it is. Locate source of leak and have repaired. Contact West-Pac Environmental at 206-762-1190 to remove the contents.

As indicated in the preceding guidelines, inspections should be conducted on a scheduled periodic basis. The schedule that will be followed to provide adequate protection against a spill due to equipment failure is given below:

1. **Aboveground Tanks and Containers**

   Pipes, pumps, connections, spills, day-end security - daily

   Exterior inspection - monthly

   Structural supports - monthly

   Secondary containment dikes - monthly

   Integrity testing - every five years (awaiting guidance from EPA; see note in Engineer Certification Page on page vi)

2. **Liquid-level Indicator**

   Check operation - monthly

3. **Aboveground Piping**

   Exterior inspection - monthly

   Integrity Testing - every five years (Awaiting guidance from EPA; see note in Engineer Certification Page on page vi)

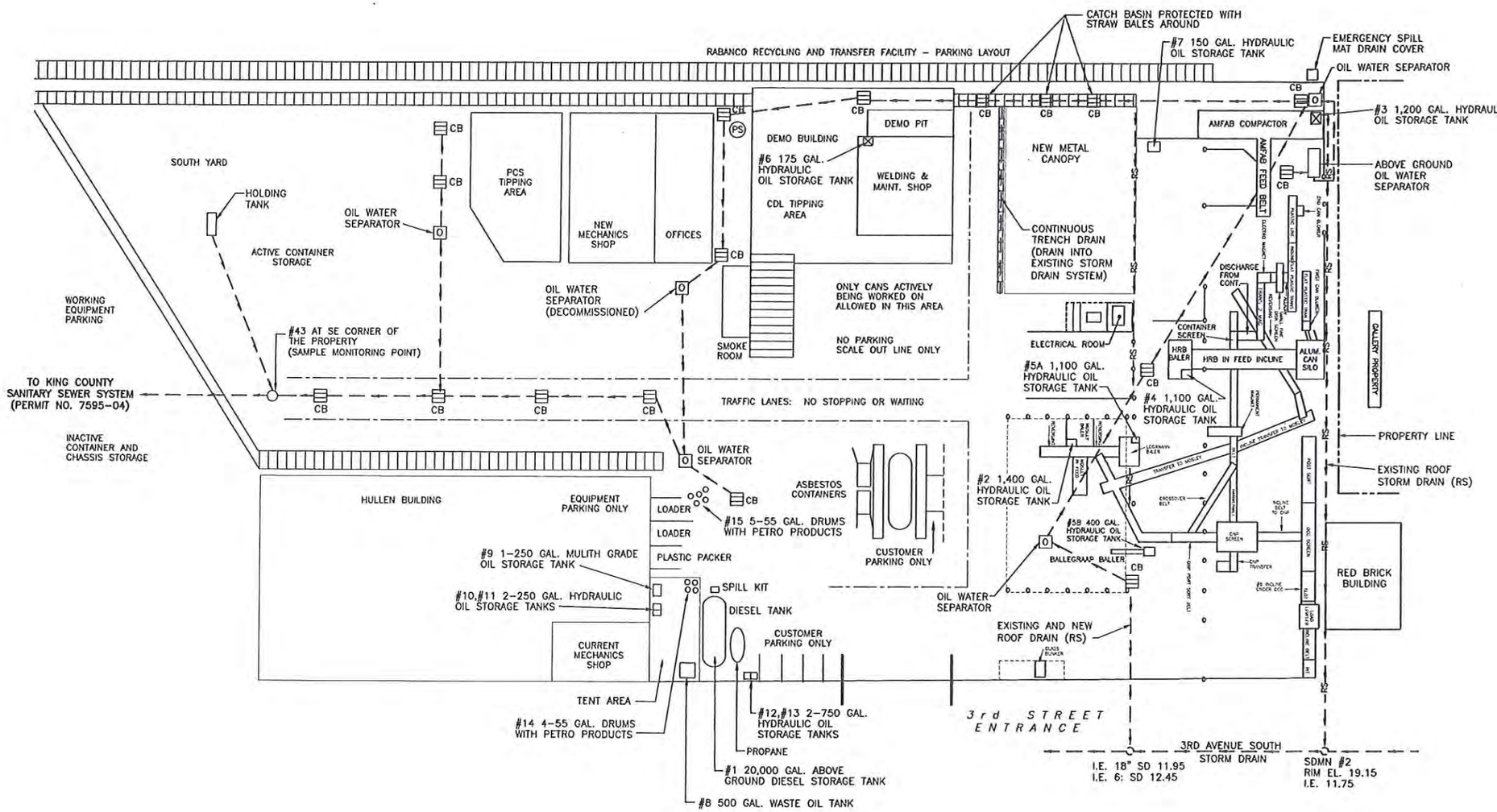
ASTs. ASTs (including drums) containing oil or hazardous substances must be examined visually on a scheduled periodic basis for their condition and need for maintenance. The examination must include aboveground foundation and tank structural supports. The outside of the tanks must be observed for signs of deterioration; leaks from seams, rivets, bolts, and gaskets; and accumulation of oil or hazardous substances inside containment structures. Aboveground tanks may subject to periodic integrity testing.

Aboveground Piping. Aboveground valves, piping, and hoses must be examined on a scheduled periodic basis for general condition of items such as supports, flange joints, expansion joints, valve glands and bodies, and drip pans. Periodic pressure or other non-destructive integrity testing may be warranted for piping where facility drainage is such that a failure might lead to a spill event. Out-of-service pipes that are connected to in-use tanks will periodically be observed for leaks or potential leaks.

Containment Structures. Containment walls and berms must be inspected at frequent intervals for accumulation of oil or hazardous substances and to determine the source of these materials. Periodic visual inspections must be performed to ensure the integrity of the containment walls.

8.4 Inspection Records

A written record of inspection, signed by the SPCC Coordinator, must document inspections. This documentation must be kept on file with the SPCC Plan. Appendix D contains the form that must be used for recording monthly inspections. These forms must be kept on file at the facility for a period of three years.



NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY
0	02/08	ISSUED FOR SPCC PLAN	MP	IS	IS	KWW

DATE OF ISSUE JULY 2007 — DWN BY M. Portacio — DES BY I. Slutsky — CHK BY I. Slutsky — APP BY K. Wiken

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RABANCO, LTD.
RABANCO RECYCLE COMPANY & RDC 3rd & LANDER SOUTH
SEATTLE, WASHINGTON 98134

SITE PLAN RAB001435

DRAWING NO. 1
PROJECT NO. 128215

Appendix A

SPCC Regulations

40 CFR

Protection of Environment

CHAPTER I

ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

Subchapter D -- Water Programs

PART 112 -- OIL POLLUTION PREVENTION

Sec.

Subpart A -- Applicability, Definitions, and General Requirements For All Facilities and All Types of Oils

Subpart B -- Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Subpart C -- Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, Including Oils from Seeds, Nuts, Fruits and Kernels

Subpart D -- Response Requirements

Appendix A to Part 112 -- Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency
Appendix B to Part 112 -- Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency
Appendix C to Part 112 -- Substantial Harm Criteria

Authority: 33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.
Source: 38 FR 34165, Dec. 11, 1973, unless otherwise noted.
Editorial Note: Nomenclature changes to part 112 appear at 65 FR 40798, June 30, 2000.

Subpart A -- Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

Source: 67 FR 47140, July 17, 2002 unless otherwise noted.

§112.1 General applicability.

(a) (1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

(2) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

(b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

(1) Any aboveground container;

(2) Any completely buried tank as defined in §112.2;

(3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise "permanently closed" as defined in §112.2;

(4) Any "bunkered tank" or "partially buried tank" as defined in §112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.

(c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.

(d) Except as provided in paragraph (f) of this section, this part does not apply to:

(1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:

(i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

(ii) Any equipment, or operation of a vessel or transportation-related onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 (Appendix A of this part).

(iii) Any equipment, or operation of a vessel or onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation or the U.S. Department of the Interior, as defined in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:

(i) The completely buried storage capacity of the facility is 42,000 gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in §112.2.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. For purposes of this exemption, only containers of oil with a capacity of 55 gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes the capacity of a container that is "permanently closed," as defined in §112.2.

(3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of

Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, except that such a tank must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.

(5) Any container with a storage capacity of less than 55 gallons of oil.

(6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.

(f) Notwithstanding paragraph (d) of this section, the Regional Administrator may require that the owner or operator of any facility subject to the jurisdiction of EPA under section 311(j) of the CWA prepare and implement an SPCC Plan, or any applicable part, to carry out the purposes of the CWA.

(1) Following a preliminary determination, the Regional Administrator must provide a written notice to the owner or operator stating the reasons why he must prepare an SPCC Plan, or applicable part. The Regional Administrator must send such notice to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of such notice to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(2) Within 30 days of receipt of such written notice, the owner or operator may provide information and data and may consult with the Agency about the need to prepare an SPCC Plan, or applicable part.

(3) Within 30 days following the time under paragraph (b)(2) of this section within which the owner or operator may provide information and data and consult with the Agency about the need to prepare an SPCC Plan, or applicable part, the Regional Administrator must make a final determination regarding whether the owner or operator is required to prepare and implement an SPCC Plan, or applicable part. The Regional Administrator must send the final determination to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of the final determination to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(4) If the Regional Administrator makes a final determination that an SPCC Plan, or applicable part, is necessary, the owner or operator must prepare the Plan, or applicable part, within six months of that final determination and implement the Plan, or applicable part, as soon as possible, but not later than one year after the Regional Administrator has made a final determination.

(5) The owner or operator may appeal a final determination made by the Regional Administrator requiring preparation and implementation of an SPCC Plan, or applicable part, under this paragraph. The owner or operator must make the appeal to the Administrator of EPA within 30 days of receipt of the final determination under paragraph (b)(3) of this section from the Regional Administrator requiring preparation and/or implementation of an SPCC Plan, or applicable part. The owner or operator must send a complete copy of the appeal to the Regional Administrator at the time he makes the appeal to the Administrator. The appeal must contain a clear and concise statement of the issues and points of fact in the case. In the appeal, the owner or operator may also provide additional information. The additional information may be from any person. The Administrator may request additional information from the owner or operator. The Administrator must render a decision within 60 days of receiving the appeal or additional information submitted by the owner or operator and must serve the owner or operator with the decision made in the appeal in the manner described in paragraph (f)(1) of this section.

§112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:
(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or
(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or
(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or
(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in §112.20 or in a specific plan approved by the Regional Administrator.

Navigable waters means the waters of the United States, including the territorial seas.
(1) The term includes:

(i) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
(ii) All interstate waters, including interstate wetlands;
(iii) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:

(A) That are or could be used by interstate or foreign travelers for recreational or other purposes; or
(B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or,
(C) That are or could be used for industrial purposes by industries in interstate commerce;

(iv) All impoundments of waters otherwise defined as waters of the United States under this section;
(v) Tributaries of waters identified in paragraphs (1)(i) through (iv) of this definition;
(vi) The territorial sea; and
(vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (1) of this definition.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition) are not waters of the United States. Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:
(1) All liquid and sludge has been removed from each container and connecting line; and
(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

Transportation-related and non-transportation-related, as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (Appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

§112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.

The owner or operator of an onshore or offshore facility subject to this section must prepare a Spill Prevention, Control, and Countermeasure Plan (hereafter "SPCC Plan" or "Plan)," in writing, and in accordance with §112.7, and any other applicable section of this part.

(a) If your onshore or offshore facility was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, on or before August 17, 2004, and must implement the amended Plan as soon as possible, but not later than February 18, 2005. If your onshore or offshore facility becomes operational after August 16, 2002, through February 18, 2005, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare a Plan on or before February 18, 2005, and fully implement it as soon as possible, but not later than February 18, 2005.

(b) If you are the owner or operator of an onshore or offshore facility that becomes operational after February 18, 2005, and could reasonably be expected to have a discharge as described in §112.1(b), you must prepare and implement a Plan before you begin operations.

(c) If you are the owner or operator of an onshore or offshore mobile facility, such as an onshore drilling or workover rig, barge mounted offshore drilling or workover rig, or portable fueling facility, you must prepare, implement, and maintain a facility Plan as required by this section. This provision does not require that you prepare a new Plan each time you move the facility to a new site. The Plan may be a general plan. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. You may not operate a mobile or portable facility subject to this part unless you have implemented the Plan. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

(d) A licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.

(1) By means of this certification the Professional Engineer attests:

(i) That he is familiar with the requirements of this part ;

(ii) That he or his agent has visited and examined the facility;

(iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;

(iv) That procedures for required inspections and testing have been established; and

(v) That the Plan is adequate for the facility.

(2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.

(e) If you are the owner or operator of a facility for which a Plan is required under this section, you must:

(1) Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended, and

(2) Have the Plan available to the Regional Administrator for on-site review during normal working hours.

(f) Extension of time.

(1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.

(2) If you are an owner or operator seeking an extension of time under paragraph (f)(1) of this section, you may submit a written extension request to the Regional Administrator. Your request must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

[67 FR 47140, July 17, 2002, as amended at 68 FR 1351, Jan. 9, 2003; 68 FR 18894, Apr. 17, 2003]

§112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

If you are the owner or operator of a facility subject to this part, you must:

(a) Notwithstanding compliance with §112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
(7) The cause of such discharge as described in §112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;
(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and
(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

(b) Take no action under this section until it applies to your facility. This section does not apply until the expiration of the time permitted for the initial preparation and implementation of the Plan under §112.3, but not including any amendments to the Plan.

(c) Send to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located a complete copy of all information you provided to the Regional Administrator under paragraph (a) of this section. Upon receipt of the information such State agency or agencies may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment, and other requirements necessary to prevent and to contain discharges from your facility.

(d) Amend your Plan, if after review by the Regional Administrator of the information you submit under paragraph (a) of this section, or submission of information to EPA by the State agency under paragraph (c) of this section, or after on-site review of your Plan, the Regional Administrator requires that you do so. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of this part or that amendment is necessary to prevent and contain discharges from your facility.

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known, in the State in which the facility is located. The Regional Administrator must specify the terms of such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

(f) If you appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan, send the appeal to the EPA Administrator in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment under paragraph (e) of this section. You must send a complete copy of the appeal to the Regional Administrator at the time you make the appeal. The appeal must contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from you, or from any other person. The EPA Administrator may request additional information from you, or from any other person. The EPA Administrator must render a decision within 60 days of receiving the appeal and must notify you of his decision.

§112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

If you are the owner or operator of a facility subject to this part, you must:

(a) Amend the SPCC Plan for your facility in accordance with the general requirements in §112.7, and with any specific section of this part applicable to your facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in §112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

(b) Notwithstanding compliance with paragraph (a) of this section, complete a review and evaluation of the SPCC Plan at least once every five years from the date your facility becomes subject to this part; or, if your facility was in operation on or before August 16, 2002, five years from the date your last review was required under this part. As a result of this review and evaluation, you must amend your SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility. You must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. You must document your completion of the review and evaluation, and must sign a statement as to whether you will amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan.

The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

(c) Have a Professional Engineer certify any technical amendment to your Plan in accordance with §112.3(d).

§112.6 [Reserved]

§112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

(a) (1) Include a discussion of your facility's conformance with the requirements listed in this part.

(2) Comply with all applicable requirements listed in this part. Your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2),112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11),112.13(c)(2), and 112.14(c), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in §112.4(d) and (e).

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each container. The facility diagram must include completely buried tanks that are otherwise exempted from the requirements of this part under §112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes. You must also address in your Plan:

(i) The type of oil in each container and its storage capacity;

(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, *etc.*);

(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);

(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and

(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of a discharge as described in §112.1(b).

(4) Unless you have submitted a response plan under §112.20, provide information and procedures in your Plan to enable a person reporting a discharge as described in §112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge, the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in §112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

(5) Unless you have submitted a response plan under §112.20, organize portions of the Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices.

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan a prediction of

the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in §112.1(b). The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:

(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil;
(ii) Curbing;
(iii) Culverting, gutters, or other drainage systems;
(iv) Weirs, booms, or other barriers;
(v) Spill diversion ponds;
(vi) Retention ponds; or
(vii) Sorbent materials.

(2) For offshore facilities:

(i) Curbing or drip pans; or
(ii) Sumps and collection systems.

(d) If you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and §§112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c) to prevent a discharge as described in §112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under §112.20, provide in your Plan the following:

(1) An oil spill contingency plan following the provisions of part 109 of this chapter.

(2) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

(e) *Inspections, tests, and records.* Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(f) *Personnel, training, and discharge prevention procedures.*

(1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan.

(2) Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.

(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

(g) *Security (excluding oil production facilities).*

(1) Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended.

(2) Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status.

(3) Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status.

(4) Securely cap or blank-flange the loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

(5) Provide facility lighting commensurate with the type and location of the facility that will assist in the:

(i) Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and
(ii) Prevention of discharges occurring through acts of vandalism.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).*

(1) Where loading/unloading area drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading and unloading areas. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.
(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.
(3) Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.

(i) If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.

Subpart B -- Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Source: 67 FR 47146, July 17, 2002, unless otherwise noted.

§112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.*

(1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.
(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, as provided in paragraphs (c)(3)(ii), (iii), and (iv) of this section.
(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.
(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.
(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.*

(1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.
(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly

employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.*

(1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.*

(1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in §112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under §112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in §112.8(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.*

(1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overfill if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) *Facility transfer operations, oil production facility.*

(1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in §112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in §112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

Subpart C -- Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

Source: 67 FR 57149, July 17, 2002, unless otherwise noted.

§112.12 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities)

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.*

(1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, subject to the requirements of paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in §112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.*

(1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in §112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.*

(1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§112.13 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under §112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.*

(1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in §112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under §112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in §112.12(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.*

(1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overfill if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) *Facility transfer operations, oil production facility.*

(1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§112.14 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in §112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§112.15 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under §112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in §112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;
(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or
(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

Subpart D -- Response Requirements

Source: 67 FR 47151, July 17, 2002, unless otherwise noted.

§112.20 Facility response plans.

(a) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator, according to the following provisions:

(1) For the owner or operator of a facility in operation on or before February 18, 1993 who is required to prepare and submit a response plan under 33 U.S.C. 1321(j)(5), the Oil Pollution Act of 1990 (Pub. L. 101-380, 33 U.S.C. 2701 *et seq.*) requires the submission of a response plan that satisfies the requirements of 33 U.S.C. 1321(j)(5) no later than February 18, 1993.

(i) The owner or operator of an existing facility that was in operation on or before February 18, 1993 who submitted a response plan by February 18, 1993 shall revise the response plan to satisfy the requirements of this section and resubmit the response plan or updated portions of the response plan to the Regional Administrator by February 18, 1995.

(ii) The owner or operator of an existing facility in operation on or before February 18, 1993 who failed to submit a response plan by February 18, 1993 shall prepare and submit a response plan that satisfies the requirements of this section to the Regional Administrator before August 30, 1994.

(2) The owner or operator of a facility in operation on or after August 30, 1994 that satisfies the criteria in paragraph (f)(1) of this section or that is notified by the Regional Administrator pursuant to paragraph (b) of this section shall prepare and submit a facility response plan that satisfies the requirements of this section to the Regional Administrator.

(i) For a facility that commenced operations after February 18, 1993 but prior to August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan or updated portions of the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to August 30, 1994.

(ii) For a newly constructed facility that commences operation after August 30, 1994, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator prior to the start of operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iii) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator before the portion of the facility undergoing change commences operations (adjustments to the response plan to reflect changes that occur at the facility during the start-up phase of operations must be submitted to the Regional Administrator after an operational trial period of 60 days).

(iv) For a facility required to prepare and submit a response plan after August 30, 1994, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in Appendix F to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula that is comparable to one contained in Appendix C to this part to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the response plan cover sheet contained in Appendix F to this part that demonstrates the reliability and analytical soundness of the alternative formula.

(4) *Preparation and submission of response plans -- Animal fat and vegetable oil facilities.* The owner or operator of any non-transportation-related facility that handles, stores, or transports animal fats and vegetable oils must prepare and submit a facility response plan as follows:

(i) *Facilities with approved plans.* The owner or operator of a facility with a facility response plan that has been approved under paragraph (c) of this section by July 31, 2000 need not prepare or submit a revised plan except as otherwise required by paragraphs (b), (c), or (d) of this section.

(ii) *Facilities with plans that have been submitted to the Regional Administrator.* Except for facilities with approved plans as provided in paragraph (a)(4)(i) of this section, the owner or operator of a facility that has submitted a response plan to the Regional Administrator prior to July 31, 2000 must review the plan to determine if it meets or exceeds the applicable provisions of this part. An owner or operator need not prepare or submit a new plan if the existing plan meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must prepare and submit a new plan by September 28, 2000.

(iii) *Newly regulated facilities.* The owner or operator of a newly constructed facility that commences operation after July 31, 2000 must prepare and submit a plan to the Regional Administrator in accordance with paragraph (a)(2)(ii) of this section. The plan must meet or exceed the applicable provisions of this part. The owner or operator of an existing facility that must prepare and submit a plan after July 31, 2000 as a result of a planned or unplanned change in facility characteristics that causes the facility to become regulated under paragraph (f)(1) of this section, must prepare and submit a plan to the Regional Administrator in

accordance with paragraph (a)(2)(iii) or (iv) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(iv) *Facilities amending existing plans.* The owner or operator of a facility submitting an amended plan in accordance with paragraph (d) of this section after July 31, 2000, including plans that had been previously approved, must also review the plan to determine if it meets or exceeds the applicable provisions of this part. If the plan does not meet or exceed the applicable provisions of this part, the owner or operator must revise and resubmit revised portions of an amended plan to the Regional Administrator in accordance with paragraph (d) of this section, as appropriate. The plan must meet or exceed the applicable provisions of this part.

(b) (1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section after considering the factors in paragraph (f)(2) of this section. If such a determination is made, the Regional Administrator shall notify the facility owner or operator in writing and shall provide a basis for the determination. If the Regional Administrator notifies the owner or operator in writing of the requirement to prepare and submit a response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months of receipt of such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(c) The Regional Administrator shall determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (f)(3) of this section. If such a determination is made, the Regional Administrator shall notify the owner or operator of the facility in writing and:

(1) Promptly review the facility response plan;

(2) Require amendments to any response plan that does not meet the requirements of this section;

(3) Approve any response plan that meets the requirements of this section; and

(4) Review each response plan periodically thereafter on a schedule established by the Regional Administrator provided that the period between plan reviews does not exceed five years.

(d) (1) The owner or operator of a facility for which a response plan is required under this part shall revise and resubmit revised portions of the response plan within 60 days of each facility change that materially may affect the response to a worst case discharge, including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources;

(iii) A material change in capabilities of the oil spill removal organization(s) that provide equipment and personnel to respond to discharges of oil described in paragraph (h)(5) of this section;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures; and

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan and a change in the oil spill removal organization(s) that does not result in a material change in support capabilities do not require approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the Regional Administrator as the revisions occur.

(3) The owner or operator of a facility that submits changes to a response plan as provided in paragraph (d)(1) or (d)(2) of this section shall provide the EPA-issued facility identification number (where one has been assigned) with the changes.

(4) The Regional Administrator shall review for approval changes to a response plan submitted pursuant to paragraph (d)(1) of this section for a facility determined pursuant to paragraph (f)(3) of this section to have the potential to cause significant and substantial harm to the environment.

(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that the facility could not, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the owner or operator shall complete and maintain at the facility the certification form contained in Appendix C to this part and, in the event an alternative formula that is comparable to one contained in Appendix C to this part is used to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.

(f) (1) A facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (a)(2) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in Attachment C-I to Appendix C to this part:

(i) The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or

(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground oil storage tank within each storage area plus sufficient freeboard to allow for precipitation;

(B) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III of the "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan prepared pursuant to section 311(j)(4) of the Clean Water Act;

(C) The facility is located at a distance (as calculated using the appropriate formula in Appendix C to this part or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years.

(2) (i) To determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines pursuant to paragraph (b) of this section, the Regional Administrator shall consider the following:

(A) Type of transfer operation;

(B) Oil storage capacity;

(C) Lack of secondary containment;

(D) Proximity to fish and wildlife and sensitive environments and other areas determined by the Regional Administrator to possess ecological value;

(E) Proximity to drinking water intakes;

(F) Spill history; and

(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into or on navigable waters or adjoining shorelines.

(ii) Any person, including a member of the public or any representative from a Federal, State, or local agency who believes that a facility subject to this section could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the factors in paragraph (f)(2)(i) of this section apply to the facility in question. The RA shall consider such petitions and respond in an appropriate amount of time.

(3) To determine whether a facility could, because of its location, reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:

(i) Frequency of past discharges;

(ii) Proximity to navigable waters;

(iii) Age of oil storage tanks; and

(iv) Other facility-specific and Region-specific information, including local impacts on public health.

(g) (1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substance Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans prepared pursuant to section 311(j)(4) of the Clean Water Act. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.). Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.

(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substances Pollution Contingency Plan and applicable Area Contingency Plan annually and, if necessary, revise the facility response plan to ensure consistency with these plans.

(3) The owner or operator shall review and update the facility response plan periodically to reflect changes at the facility.

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless you have prepared an equivalent response plan acceptable to the Regional Administrator to meet State or other Federal requirements. A response plan that does not follow the specified format in Appendix F to this part shall have an emergency response action plan as specified in paragraphs (h)(1) of this section and be supplemented with a cross-reference section to identify the location of the elements listed in paragraphs (h)(2) through (h)(10) of this section. To meet the requirements of this part, a response plan shall address the following elements, as further described in Appendix F to this part:

(1) *Emergency response action plan.* The response plan shall include an emergency response action plan in the format specified in paragraphs (h)(1)(i) through (viii) of this section that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:

(i) The identity and telephone number of a qualified individual having full authority, including contracting authority, to implement removal actions;

(ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal officials and the persons providing response personnel and equipment can be ensured;

(iii) A description of information to pass to response personnel in the event of a reportable discharge;

(iv) A description of the facility's response equipment and its location;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;

(vii) A description of immediate measures to secure the source of the discharge, and to provide adequate containment and drainage of discharged oil; and

(viii) A diagram of the facility.

(2) *Facility information.* The response plan shall identify and discuss the location and type of the facility, the identity and tenure of the present owner and operator, and the identity of the qualified individual identified in paragraph (h)(1) of this section.

(3) *Information about emergency response.* The response plan shall include:

(i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge (To identify response resources to meet the facility response plan requirements of this section, owners or operators shall follow Appendix E to this part or, where not appropriate, shall clearly demonstrate in the response plan why use of Appendix E of this part is not appropriate at the facility and make comparable arrangements for response resources);

(ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;

(iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the qualified individual identified in paragraph (h)(1) of this section and the appropriate Federal official and the persons providing response personnel and equipment can be ensured;

(iv) A description of information to pass to response personnel in the event of a reportable discharge;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;

(vii) Plans for evacuation of the facility and a reference to community evacuation plans, as appropriate;

(viii) A diagram of evacuation routes; and

(ix) A description of the duties of the qualified individual identified in paragraph (h)(1) of this section, that include:

(A) Activate internal alarms and hazard communication systems to notify all facility personnel;

(B) Notify all response personnel, as needed;

(C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;

(D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;

(E) Assess the interaction of the discharged substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;

(F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect effects of the release (i.e., the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous

surface water runoffs from water or chemical agents used to control fire and heat-induced explosion);

(G) Assess and implement prompt removal actions to contain and remove the substance released;

(H) Coordinate rescue and response actions as previously arranged with all response personnel;

(I) Use authority to immediately access company funding to initiate cleanup activities; and

(J) Direct cleanup activities until properly relieved of this responsibility.

(4) *Hazard evaluation.* The response plan shall discuss the facility's known or reasonably identifiable history of discharges reportable under 40 CFR part 110 for the entire life of the facility and shall identify areas within the facility where discharges could occur and what the potential effects of the discharges would be on the affected environment. To assess the range of areas potentially affected, owners or operators shall, where appropriate, consider the distance calculated in paragraph (f)(1)(ii) of this section to determine whether a facility could, because of its location, reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines.

(5) *Response planning levels.* The response plan shall include discussion of specific planning scenarios for:

(i) A worst case discharge, as calculated using the appropriate worksheet in Appendix D to this part. In cases where the Regional Administrator determines that the worst case discharge volume calculated by the facility is not appropriate, the Regional Administrator may specify the worst case discharge amount to be used for response planning at the facility. For complexes, the worst case planning quantity shall be the larger of the amounts calculated for each component of the facility;

(ii) A discharge of 2,100 gallons or less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility; and

(iii) A discharge greater than 2,100 gallons and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.

(6) *Discharge detection systems.* The response plan shall describe the procedures and equipment used to detect discharges.

(7) *Plan implementation.* The response plan shall describe:

(i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;

(ii) A description of the equipment to be used for each scenario;

(iii) Plans to dispose of contaminated cleanup materials; and

(iv) Measures to provide adequate containment and drainage of discharged oil.

(8) *Self-inspection, drills/exercises, and response training.* The response plan shall include:

(i) A checklist and record of inspections for tanks, secondary containment, and response equipment;

(ii) A description of the drill/exercise program to be carried out under the response plan as described in §112.21;

(iii) A description of the training program to be carried out under the response plan as described in §112.21; and

(iv) Logs of discharge prevention meetings, training sessions, and drills/exercises. These logs may be maintained as an annex to the response plan.

(9) *Diagrams.* The response plan shall include site plan and drainage plan diagrams.

(10) *Security systems.* The response plan shall include a description of facility security systems.

(11) *Response plan cover sheet.* The response plan shall include a completed response plan cover sheet provided in Section 2.0 of Appendix F to this part.

(i) (1) In the event the owner or operator of a facility does not agree with the Regional Administrator's determination that the facility could, because of its location, reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines, or that amendments to the facility response plan are necessary prior to approval, such as changes to the worst case discharge planning volume, the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The request and accompanying information must be submitted to the Regional Administrator within 60 days of receipt of notice of the Regional Administrator's original decision. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(2) In the event the owner or operator of a facility believes a change in the facility's classification status is warranted because of an unplanned event or change in the facility's characteristics (i.e., substantial harm or significant and substantial harm), the owner or operator may submit a request for reconsideration to the Regional Administrator and provide additional information and data in writing to support the request. The Regional Administrator shall consider the request and render a decision as rapidly as practicable.

(3) After a request for reconsideration under paragraph (i)(1) or (i)(2) of this section has been denied by the Regional Administrator, an owner or operator may appeal a determination made by the Regional Administrator. The appeal shall be made to the EPA Administrator and shall be made in writing within 60 days of receipt of the decision from the Regional Administrator that the request for reconsideration was denied. A complete copy of the appeal must be sent to the Regional Administrator at the time the appeal is made. The appeal shall contain a clear and concise statement of the issues and points of fact in the case. It also may contain additional information from the owner or operator, or from any other person. The EPA Administrator may request additional information from the owner or operator, or from any other person. The EPA Administrator shall render a decision as rapidly as practicable and shall notify the owner or operator of the decision.

[59 FR 34098, July 1, 1994, as amended at 65 FR 40798, June 30, 2000; 66 FR 34560, June 29, 2001]

§112.21 Facility response training and drills/exercises.

(a) The owner or operator of any facility required to prepare a facility response plan under §112.20 shall develop and implement a facility response training program and a drill/exercise program that satisfy the requirements of this section. The owner or operator shall describe the programs in the response plan as provided in §112.20(h)(8).

(b) The facility owner or operator shall develop a facility response training program to train those personnel involved in oil spill response activities. It is recommended that the training program be based on the USCG's Training Elements for Oil Spill Response, as applicable to facility operations. An alternative program can also be acceptable subject to approval by the Regional Administrator.

(1) The owner or operator shall be responsible for the proper instruction of facility personnel in the procedures to respond to discharges of oil and in applicable oil spill response laws, rules, and regulations.

(2) Training shall be functional in nature according to job tasks for both supervisory and non-supervisory operational personnel.

(3) Trainers shall develop specific lesson plans on subject areas relevant to facility personnel involved in oil spill response and cleanup.

(c) The facility owner or operator shall develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program (PREP) (see Appendix E to this part, section 13, for availability) will be deemed satisfactory for purposes of this section. An alternative program can also be acceptable subject to approval by the Regional Administrator.

[59 FR 34101, July 1, 1994, as amended at 65 FR 40798, June 30, 2000]

Appendix A to Part 112 -- Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency

SECTION II – DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term:

(1) *Non-transportation-related onshore and offshore facilities* means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding inline or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) *Transportation-related onshore and offshore facilities* means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a non-transportation-related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

Appendix B to Part 112 -- Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency

PURPOSE

This Memorandum of Understanding (MOU) establishes the jurisdictional responsibilities for offshore facilities, including pipelines, pursuant to section 311 (j)(1)(c), (j)(5), and (j)(6)(A) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (Public Law 101-380). The Secretary of the Department of the Interior (DOI), Secretary of the Department of Transportation (DOT), and Administrator of the Environmental Protection Agency (EPA) agree to the division of responsibilities set forth below for spill prevention and control, response planning, and equipment inspection activities pursuant to those provisions.

BACKGROUND

Executive Order (E.O.) 12777 (56 FR 54757) delegates to DOI, DOT, and EPA various responsibilities identified in section 311(j) of the CWA. Sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 assigned to DOI spill prevention and control, contingency planning, and equipment inspection activities associated with offshore facilities. Section 311(a)(11) defines the term "offshore facility" to include facilities of any kind located in, on, or under navigable waters of the United States. By using this definition, the traditional DOI role of regulating facilities on the Outer Continental Shelf is expanded by E.O. 12777 to include inland lakes, rivers, streams, and any other inland waters.

RESPONSIBILITIES

Pursuant to section 2(i) of E.O. 12777, DOI redelegates, and EPA and DOT agree to assume, the functions vested in DOI by sections 2(b)(3), 2(d)(3), and 2(e)(3) of E.O. 12777 as set forth below. For purposes of this MOU, the term "coast line" shall be defined as in the Submerged Lands Act (43 U.S.C. 1301(c)) to mean "the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

1. To EPA, DOI redelegates responsibility for non-transportation-related offshore facilities located landward of the coast line.

2. To DOT, DOI redelegates responsibility for transportation-related facilities, including pipelines, located landward of the coast line. The DOT retains jurisdiction for deepwater ports and their associated seaward pipelines, as delegated by E.O. 12777.

3. The DOI retains jurisdiction over facilities, including pipelines, located seaward of the coast line, except for deepwater ports and associated seaward pipelines delegated by E.O. 12777 to DOT.

EFFECTIVE DATE

This MOU is effective on the date of the final execution by the indicated signatories.

LIMITATIONS

1. The DOI, DOT, and EPA may agree in writing to exceptions to this MOU on a facility-specific basis. Affected parties will receive notification of the exceptions.
2. Nothing in this MOU is intended to replace, supersede, or modify any existing agreements between or among DOI, DOT, or EPA.

MODIFICATION AND TERMINATION

Any party to this agreement may propose modifications by submitting them in writing to the heads of the other agency/department. No modification may be adopted except with the consent of all parties. All parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of any party, representatives of all parties shall meet for the purpose of considering exceptions or modifications to this agreement. This MOU may be terminated only with the mutual consent of all parties.
Dated: November 8, 1993.
Bruce Babbitt,
Secretary of the Interior.
Dated: December 14, 1993.
Federico Pen a,
Secretary of Transportation.
Dated: February 3, 1994.
Carol M. Browner,
Administrator, Environmental Protection Agency.
[59 FR 34102, July 1, 1994]

Appendix C to Part 112 -- Substantial Harm Criteria

1.0 Introduction

The flowchart provided in Attachment C-I to this appendix shows the decision tree with the criteria to identify whether a facility "could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines." In addition, the Regional Administrator has the discretion to identify facilities that must prepare and submit facility-specific response plans to EPA.

1.1 Definitions

1.1.1 *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

1.1.2 Higher Volume Port Areas INCLUDE
(1) Boston, MA;
(2) New York, NY;

(3) Delaware Bay and River to Philadelphia, PA;
(4) St. Croix, VI;
(5) Pascagoula, MS;
(6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA;
(7) Louisiana Offshore Oil Port (LOOP), LA;
(8) Lake Charles, LA;
(9) Sabine-Neches River, TX;
(10) Galveston Bay and Houston Ship Channel, TX;
(11) Corpus Christi, TX;
(12) Los Angeles/Long Beach Harbor, CA;
(13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA;
(14) Straits of Juan de Fuca from Port Angeles, WA to and including Puget Sound, WA;
(15) Prince William Sound, AK; and
(16) Others as specified by the Regional Administrator for any EPA Region.

1.1.3 *Inland Area* means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines as defined in 33 CFR 80.740 -- 80.850). The inland area does not include the Great Lakes.

1.1.4 *Rivers and Canals* means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigating that have project depths of 12 feet or less.

2.0 Description of Screening Criteria for the Substantial Harm Flowchart

A facility that has the potential to cause substantial harm to the environment in the event of a discharge must prepare and submit a facility-specific response plan to EPA in accordance with Appendix F to this part. A description of the screening criteria for the substantial harm flowchart is provided below:

2.1 *Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil.* A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. Daily oil transfer operations at these types of facilities occur between barges and vessels and onshore bulk storage tanks over open water. These facilities are located adjacent to navigable water.

2.2 *Lack of Adequate Secondary Containment at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* Any facility with a total oil storage capacity greater than or equal to 1 million gallons without secondary containment sufficiently large to contain the capacity of the largest aboveground oil storage tank within each area plus sufficient freeboard to allow for precipitation must submit a response plan to EPA. Secondary containment structures that meet the standard of good engineering practice for the purposes of this part include berms, dikes, retaining walls, curbing, culverts, gutters, or other drainage systems.

2.3 *Proximity to Fish and Wildlife and Sensitive Environments at Facilities With a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury (as defined at 40 CFR 112.2) to fish and wildlife and sensitive environments. For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan. Facility owners or operators must determine the distance at which an oil discharge could cause injury to fish and wildlife and sensitive environments using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.

2.4 *Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater than or Equal to 1 Million Gallons* A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c). The distance at which an oil discharge from an SPCC-regulated facility would shut down a public drinking water intake shall be calculated using the appropriate formula presented in Attachment C-III to this appendix or a comparable formula.

2.5 *Facilities That Have Experienced Reportable Oil Discharges in an Amount Greater Than or Equal to 10,000 Gallons Within the Past 5 Years and That Have a Total Oil Storage Capacity Greater Than or Equal to 1 Million Gallons.* A facility's oil spill history within the past 5 years shall be considered in the evaluation for substantial harm. Any facility with a total oil storage capacity greater than or equal to 1 million gallons that has experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the past 5 years must submit a response plan to EPA.

3.0 Certification for Facilities That Do Not Pose Substantial Harm

If the facility does not meet the substantial harm criteria listed in Attachment C-I to this appendix, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C-II to this appendix. In the event an alternative formula that is comparable to the one in this appendix is used to evaluate the substantial harm criteria, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the comparable formula and shall notify the Regional Administrator in writing that an alternative formula was used.

4.0 References

Chow, V.T. 1959. Open Channel Hydraulics. McGraw Hill.
USCG IFR (58 FR 7353, February 5, 1993). This document is available through EPA's rulemaking docket as noted in Appendix E to this part, section 13.

ATTACHMENTS TO APPENDIX C

ATTACHMENT C-II -- CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name:_____ Facility Address:_____

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes ___ No ___

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes ___ No ___

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula [1]) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan.

Yes ___ No ___

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula [1]) such that a discharge from the facility would shut down a public drinking water intake [2]?

[1]If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

[2]For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).

Yes ___ No ___

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes ___ No ___

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature _____
Name (please type or print) _____
Title _____
Date _____

Appendix B

Notice to Tank Truck Drivers

Notice to Tank Truck Drivers

Tank Truck Drivers

To prevent the release of substances hazardous to the environment, tank truck drivers entering this facility are to comply with the following rules:

- Exercise caution when maneuvering to avoid damage to containment walls.
- Inspect tank, fitting, and liquid level indicator prior to filling.
- Place drip pans under all pump hose fittings prior to loading/unloading.
- Block truck wheels before starting to load/unload.
- Remain with the vehicle while loading/unloading.
- Drain loading/unloading line to storage tank.
- Verify that drain valves are closed before disconnecting loading/unloading lines.
- Inspect vehicle before departure to be sure loading/unloading lines have been disconnected and vent valves are closed.
- Immediately report leakage or spillage to the Facility Emergency and Spill Coordinator or other management personnel.

SPCC Coordinator
Rabanco Recycle Company and RDC 3rd and Lander South

Appendix C

Emergency Personnel and Duties

Emergency Personnel and Duties

Responsibilities are assigned to individuals by name. Keep in mind, however, that responsibilities are designated primarily by position/title/descriptions. If individuals are not available due to vacations, trips, transfers, terminations, etc., the person filling the position automatically assumes responsibility. Also, keep in mind that this plan is flexible, and personnel must work together to minimize the effects of an emergency.

Management and supervisory persons must review this plan annually to ensure that they are familiar with it. There is no time to do so after the emergency occurs. Direct coordination between persons is encouraged to help eliminate problems.

Suggestions for improvement or modifications should be directed to the SPCC Coordinator for review and inclusion in the next revision. Managers and supervisors will assist the SPCC Coordinator in training their personnel as necessary, and training will be held at least annually.

Individuals are responsible for notifying the SPCC Coordinator of any changes in home or office telephone numbers and position so the call list can be updated regularly and accurately.

SPCC Coordination

Internal Call List

Name	Position	Office Phone	Cell Phone
Ray Westmoreland	Site Manager, RDC	206.332.7705	(b) (6)
Chris Driscoll	SPCC Coordinators; contact the first available, starting at the top of the list.	206.652.8863	
Ronald Moe		206.652.8871	(b) (6)
Phil Kirschenmann		206.652.8897	
Chuck Hollenbeck	Maintenance Manager	206.652.8881	(b) (6)
Scott Bissel	Operational Manager	206.652.8828	(b) (6)
Bill Borlaug	Regional Engineer, West	800.275.5641	(b) (6)

The SPCC Coordinator will direct and coordinate emergency plan activities, and will advise management and company officers as to the extent of the emergency and possible consequences. The SPCC Coordinator will be familiar with environmental control devices and hazard response firms/teams. This person also is responsible for coordination of first aid to injured persons and will probably be one of the first responders to the emergency.

After the emergency is under control, this person will direct the salvage and restart operations and approve any information release to the news media as applicable. The SPCC Coordinator ensures the establishment of liaison and communications as necessary with appropriate agencies, and allocates resources necessary to carry out the duties of this plan, etc. He/she also directs emergency maintenance, utility, and electrical work to prevent injury and minimize damage to property, product, and the environment. Maintenance personnel are responsible for the safe shutdown of the facility.

Personnel Training Record
Spill Prevention, Control, and Countermeasure Plan
Rabanco Recycle Company and RDC 3rd and Lander South

Description of Training _____

Instructor _____ Date _____

EMPLOYEES' NAMES

Printed Name	**Signature**

Appendix D

Inspection Record and Incident Report Forms

Aboveground Storage Tank
Monthly Inspection Record

Inspection Date/ Inspector	Tank Name and/or No.	Location	Contents	Signs of leakage from valves, seals, and gaskets?		Signs of Oil, Fuel, or Chemicals in Containment?		Condition of container supports and foundations	Comments
				Yes	No	Yes	No		

Describe leaks and/or spills:_____

Corrective action taken:_____

Stormwater Drainage from Tank Secondary Containers
Rabanco Recycle Company and RDC 3rd and South Lander

Tank Number	Tank Contents	Date	Approximate Volume of Water Removed	Where Was the Water Discharged to?	Was Oil Present in the Discharged Water?

Incident Report Form
Rabanco Recycle Company and RDC 3rd and South Lander

1. TIME PROBLEM DISCOVERED: _____ DATE: _____

2. TIME PROBLEM STOPPED: _____ DATE: _____

3. APPROXIMATE LOCATION AND TYPE OF ACCIDENT (E.G., FIRE, EXPLOSION, SPILL):

_____

4. MATERIAL SPILLED: _____

5. APPROXIMATE AMOUNT: _____

6. SOURCE OF THE DISCHARGE: _____

7. AFFECTED MEDIA: _____

8. CAUSE OF THE DISCHARGE: _____

9. EXTENT OF INJURIES (IF ANY): _____

_____

10. WHAT ARE POSSIBLE HAZARDS TO HUMAN HEALTH AND THE ENVIRONMENT?

_____

_____

_____

11. ESTIMATED AMOUNT OF MATERIAL RECOVERED: _____

12. WHAT WAS DONE WITH RECOVERED MATERIAL? _____

_____

_____

13. ACTIONS TAKEN TO STOP, REMOVE, AND MITIGATE THE EFFECTS OF THE DISCHARGE:

_____

14. WAS EVACUATION OF THE SITE NECESSARY? _____

15. NAME, ORGANIZATION, DATE, AND TIME OF WHO WAS CONTACTED CONCERNING THE INCIDENT: _____

_____

Incident Report Form
Rabanco Recycle Company and RDC 3rd and Lander south

16. ACTIONS TAKEN TO CORRECT THE CAUSE AND PREVENT FURTHER PROBLEMS:

17. NAME OF INCIDENT REPORTER: _____

TITLE: _____

TELEPHONE NUMBER: ( ) _____

FACILITY NAME AND ADDRESS OF INCIDENT REPORTER: _____

18. NAME OF FACILITY WHERE SPILL OCCURRED: _____

FACILITY TELEPHONE NUMBER: _____

ADDRESS OF FACILITY: _____

SIGNATURE (MANAGER) _____

DATE _____

Appendix E

Spill, Fire, and Safety Equipment

Spill, Fire, and Safety Equipment

The following safety equipment is available in order to protect employees and provide containment of contaminants in the event of a spill:

- Spill control/containment materials:
  - Drum (1) in maintenance building
  - Oil Dry (or equivalent)
  - Sorbent Socks
  - Shovels
  - Brooms
  - Drain Pans
  - All trucks are equipped with spill booms
- Fire extinguishers
  - ABC universal fire extinguishers are located throughout facility buildings.
  - All trucks are equipped with fire extinguishers.

Appendix F

Substantial Harm Criteria

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

Facility Name: Rabanco Recycle Company and RDC 3rd and Lander South
Facility Address: 2733 3rd Avenue, South, Seattle, Washington 98134

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes ___ No _XX__

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes ___ No _XX__

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula [1]) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see Appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan.

Yes ___ No _XX__

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula [1]) such that a discharge from the facility would shut down a public drinking water intake[2]?

[1]If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form.

[2]For the purposes of 40 CFR part 112, public drinking water intakes are analogous to public water systems as described at 40 CFR 143.2(c).

Yes ___ No _XX__

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes ___ No _XX__

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature _____
Name (please type or print) Pete Keller
Title General Manager
Date _____

`